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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHANNON NEISWONGER,

Plaintiff,

v.

FEDERAL TRADE COMMISSION; and

ROBB EVANS, Receiver of the Asset

Protection Group, Inc.;

DOES I through X, and

ROE CORPORATIONS XI through XX,

inclusive,

Defendants.

Case No. 2:09-cv-02271-RCJ-PAL

**DEFENDANT FEDERAL TRADE
COMMISSION'S ANSWER TO
AMENDED COMPLAINT**

1 Defendant Federal Trade Commission (“Commission”) answers the Amended Complaint of
2 Plaintiff Shannon Neiswonger as follows:

3
4 **PREFATORY STATEMENT**

5 The Commission was never served with Plaintiff’s original complaint. The Commission
6 received service of the Amended Complaint and the Summons through United States Attorney for the
7 District of Nevada on November 10, 2009, and was directly served on November 16, 2009. This action
8 was removed by the Commission, as a matter of right under 28 U.S.C. § 1442(a)(1), on November 30,
9 2009, from District Court of Clark County, Nevada, within 30 days of when the Commission first
10 received service of the Summons and Amended Complaint.
11

12 **ANSWER**

13 1. Admitted.

14 2. The Commission admits that it is an independent agency of the United States federal
15 government and that it has commenced law enforcement actions within its statutory authority within
16 the District of Nevada. The Commission denies that it has engaged in any efforts to cause damage to
17 Plaintiff Shannon Neiswonger’s real and personal property interests in Nevada.
18

19 3. Admitted with the clarification that the court is the United States District Court for the
20 Eastern District of Missouri (the “Missouri court”).
21

22 4. Admitted that Asset Protection Group, Inc. is a Nevada corporation. The Commission
23 generally denies that there was no relationship between Shannon Neiswonger and Asset Protection
24 Group but is without sufficient knowledge or information to form a belief as to the specific nature of
25 this relationship and, therefore, all averments concerning the lack of any relationship between Shannon
26 Neiswonger and Asset Protection Group, are denied.
27
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1 5. This paragraph contains conclusions of law to which no response is required but which
2 the Commission nonetheless denies.

3 6. The Commission admits that it commenced a law enforcement action on November 16,
4 1996, against Shannon Neiswonger's husband, Richard Neiswonger, before the Missouri court styled,
5 *FTC v. Richard C. Neiswonger*, No. 4:96-2225-SNL (the "Law Enforcement Action"), and that a
6 Receiver, co-defendant Robb Evans, was appointed with regard to the two contempt proceedings
7 against Richard Neiswonger arising out of the original Law Enforcement Action. The Commission
8 denies that the action is dormant. The Commission denies that Shannon and Richard Neiswonger were
9 married long after any of the Commission's legal proceedings began since they were married on
10 February 14, 1997, less than three months after the commencement of the Law Enforcement Action.

11 7. The Commission admits that on or about July 30, 2008, it obtained a monetary judgment
12 against Richard Neiswonger in the initial contempt proceeding arising from the Law Enforcement
13 Action. The averment that the Commission obtained the judgment "in concert" with the Receiver is a
14 conclusion of law to which no response is required but which the Commission nonetheless denies.

15 8. The Commission admits that the Missouri court granted its first contempt petition and
16 on April 23, 2007, held Richard Neiswonger in contempt. *See FTC v. Richard C. Neiswonger*, 494 F.
17 Supp. 2d 1067 (E.D. Mo. 2007). Subsequently, on July 30, 2008, the Missouri court entered a
18 monetary judgment against Richard Neiswonger, requiring him to turn over to the Commission or the
19 Receiver the title to a residence located at 9509 Verlaine Court, Las Vegas, Nevada (the "Residence"),
20 owned or controlled by Richard and Shannon Neiswonger. The Commission denies that obtaining this
21 order was "egregious." The averment that the Commission obtained the contempt order "in concert"
22 with the Receiver is a conclusion of law to which no response is required but which the Commission
23 nonetheless denies.

1 9. The Commission is without sufficient knowledge or information to form a belief as to
2 the details of marriage between Shannon Neiswonger and Richard Neiswonger and, therefore, all
3 averments concerning this relationship are denied.
4

5 10. The Commission is without sufficient knowledge or information to form a belief as to
6 the real estate ownership and investments by Shannon Neiswonger (other than the Residence) and,
7 therefore, all averments concerning such real property and investments are denied.
8

9 11. The Commission is without sufficient knowledge or information to form a belief as to
10 any pre-nuptial or pre-marital agreements between Shannon Neiswonger and Richard Neiswonger and,
11 therefore, all averments concerning such agreements are denied.

12 12. The Commission admits that Richard Neiswonger had some involvement in
13 “marketing,” albeit with the marketing of deceptive, illegal business opportunities. The Commission
14 denies that Shannon Neiswonger’s work history was limited to being a stay-at-home mom and
15 “dabbling” in residential real estate related activities.
16

17 13. The Commission admits that Shannon Neiswonger is not a named party in the contempt
18 proceedings against Richard Neiswonger. The Commission denies that Mrs. Neiswonger has no
19 involvement in the Law Enforcement Action, including the related contempt proceedings. The
20 Commission further denies that its contempt proceedings or the orders issued by the Missouri court in
21 the Law Enforcement Action are “wholly and completely without due process of law” or that its
22 conduct in pursuing these contempt proceedings are “egregious” or “usurp, inveigle or convert” any
23 property of Mrs. Neiswonger.
24

25 14. The Commission denies that its contempt proceedings against Richard Neiswonger are
26 in any way improper or the orders issued by the Missouri court in the Law Enforcement Action are
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1 “without notice or other due process of law” or that these proceedings run “roughshod” over any of
2 Mrs. Neiswonger’s rights.

3
4 15. The Commission admits that the September 15, 2009, contempt order of the Missouri
5 court holding Richard Neiswonger in contempt for a second time is on appeal to the Eighth Circuit.
6 The Commission denies that the Missouri court’s April 23, 2007, contempt order and the subsequent
7 July 30, 2008, monetary judgment against Richard Neiswonger are on appeal. To the contrary, they
8 were affirmed by the Eighth Circuit on September 9, 2009, at *FTC v. Richard C. Neiswonger*, 580 F.3d
9 769 (8th Cir. 2009). Since no stay of the September 15, 2009, order was sought or granted, the
10 Commission denies that its conduct of exercising its rights created by these various contempt orders is
11 “egregious.”
12

13 16. This averment states a conclusion of law to which no response is required but which the
14 Commission, nonetheless, denies.
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16 17. This averment states a conclusion of law to which no response is required.

17 18. This averment states conclusions of law to which no response is required. The
18 Commission, however, denies that certain property in which Shannon Neiswonger may have an
19 interest, specifically the Residence, is exempt from execution to satisfy the money judgment entered
20 against Richard Neiswonger by Missouri court in the Law Enforcement Action. To the contrary, the
21 Missouri court has specifically held that the Residence is available to satisfy this judgment and has
22 ordered that the title to the Residence be conveyed to the Commission or the Receiver as partial
23 satisfaction.
24

25 19. The Commission denies that Shannon Neiswonger’s “skill, expertise and acumen” or
26 “real estate development activity” has led to a substantial increase in the value of any assets.
27
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1 20. The Commission admits that there is an entity known as the SRN Trust. The
2 Commission is without sufficient knowledge or information to form a belief as to precisely when the
3 SRN Trust was created, the reasoning behind the creation of the SRN Trust, or whether John Dawson is
4 “one of the most prominent lawyers in town” and, therefore, all averments about the SRN Trust and
5 Mr. Dawson’s prominence are denied.
6

7 21. The Commission admits that there is an entity known as the Rishne Limited Partnership.
8 The Commission is without sufficient knowledge or information to form a belief as to precisely when
9 the Rishne Limited Partnership was created and the reasoning behind the creation of the Rishne
10 Limited Partnership and, therefore, all averments about the Rishne Limited Partnership are denied.
11

12 22. Denied as stated. The Commission admits that on or about May 25, 2005, a deed, dated
13 November 1, 2001, transferring title to the Residence to Richard and Shannon Neiswonger, trustees of
14 the SRN Trust, was recorded. The Commission further admits that Mrs. Neiswonger lives in the
15 Residence.
16

17 23. The Commission generally denies the averments of this paragraph. The Commission
18 further specifically denies that it or the Receiver “are seeking to usurp, forfeit and convert [the
19 Residence] in derogation of Shannon’s substantial interest therein.” To the contrary, all actions by the
20 Commission and the Receiver are pursuant to the authority of orders issued by the Missouri court in the
21 Law Enforcement Action.
22

23 24. The Commission is without sufficient knowledge or information to form a belief as to
24 whether Shannon Neiswonger is the sole trustee of the SRN Trust and, therefore, this averment is
25 denied.
26

27 25. The Commission generally denies the averments of this paragraph. The Commission
28 further states that it is without sufficient knowledge or information to form a belief as to Shannon

1 Neiswonger's ownership interest, if any, in the Rishne Limited Partnership and, therefore, the
2 averments concerning ownership interests in the Rishne Limited Partnership are denied.

3 26. This averment states a conclusion of law to which no response is required but which the
4 Commission, nonetheless, denies.

5 27. The Commission admits that Shannon Neiswonger resides in the Residence but denies
6 the remainder of the averments in this paragraph.

7 28. The Commission is without sufficient knowledge or information to form a belief as to
8 when Shannon Neiswonger "first became aware of the gravity" of the Law Enforcement Action before
9 the Missouri Court and, therefore, the averments in this paragraph are denied.

10 29. The Commission is without sufficient knowledge or information to form a belief as to
11 whether the "tone, tenor and scope of the questioning" by the Commission or Receiver caused her to
12 worry "about the sanctity and preservation of her home" and, therefore, these averments are denied.

13 30. The Commission admits that Richard Neiswonger, pursuant to a May 7, 2009,
14 stipulation in the Law Enforcement Action, has paid some monies to the Commission in partial
15 satisfaction of the July 30, 2008, money judgment entered against him by the Missouri court in the Law
16 Enforcement Action. The Commission denies the remainder of the averments in this paragraph.

17 31. The Commission admits that Richard Neiswonger, pursuant to a May 7, 2009,
18 stipulation in the Law Enforcement Action, has paid some monies to the Commission in partial
19 satisfaction of the July 30, 2008, money judgment entered against him by the Missouri court in the Law
20 Enforcement Action. The Commission denies the remainder of the averments in this paragraph.

21 32. The Commission admits that Richard Neiswonger, pursuant to a May 7, 2009,
22 stipulation in the Law Enforcement Action, has paid some monies to the Commission in partial
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1 satisfaction of the money judgment entered against him by the Missouri court in the Law Enforcement
2 Action. The Commission denies the remainder of the averments in this paragraph.

3
4 33. The Commission admits that on September 15, 2009, following discovery, extensive
5 briefing and two hearings on the merits (on April 20 and September 14, 2009), the Missouri court
6 granted the second contempt petition filed by the Commission and held Richard Neiswonger in
7 contempt for a second time.

8
9 34. The Commission admits that Shannon Neiswonger did not appear at a September 14,
10 2009, hearing to determine whether husband was in contempt for failing to convey title to the
11 Residence to the Commission or the Receiver. The Commission is without sufficient knowledge or
12 information to form a belief as to what notice she had of this hearing and, therefore, the allegation that
13 she had no notice of the hearing is denied. The Commission further states, however, that Mrs.
14 Neiswonger was deposed for a full day in connection with the second contempt proceeding against her
15 husband on June 10, 2009.

16
17 35. Denied. To the contrary, the Commission asserts that on May 1, 2007, at 1:20 p.m.,
18 Shannon Neiswonger was personally served with copies of the *Ex Parte* Temporary Restraining Order
19 with Ancillary Equitable Relief, Memorandum Opinion, Civil Contempt Order, Second Permanent
20 Injunction Modifying Permanent Injunction as to Defendant Richard Neiswonger, and April 30, 2007,
21 Order of Missouri court from the contempt proceedings in the Law Enforcement Action.

22
23 36. Denied as stated. The Commission admits that Exhibit 3 to the amended complaint is a
24 transcript of the September 14, 2009, hearing before the Missouri court. The Commission further states
25 that the Missouri court considered information beyond the oral statements of counsel at this hearing in
26 issuing its September 15, 2009, contempt order.
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1 37. The Commission denies that Shannon Neiswonger had no opportunity to be heard at the
2 September 14, 2009, hearing. To the contrary, the Commission avers that the Missouri court continued
3 the original April 23, 2009, hearing date, in part, to provide Mrs. Neiswonger an opportunity to be
4 heard prior to its ruling on the Commission's second contempt petition against Richard Neiswonger.
5 Mrs. Neiswonger was subpoenaed and, on June 10, 2009, with her counsel present, provided a full day
6 of deposition testimony as part of the discovery preceding the September 14, 2009, hearing. The
7 Commission further denies that the Missouri court ran "roughshod over her and short circuit[ed her]
8 Nevada Constitutional Homestead rights." To the contrary, the Commission avers that the Missouri
9 court provided an opportunity for all interested parties (including Mrs. Neiswonger) to file memoranda
10 and conducted a full hearing on the merits prior to issuing its September 15, 2009, order holding
11 Richard Neiswonger in contempt for a second time.

12 38. Denied. To the contrary, the transcript of the September 14, 2009, hearing speaks for
13 itself and contains none of the "suggestions" averred in this paragraph.

14 39. This averment states conclusions of law to which no response is required. The
15 Commission further states that Shannon Neiswonger had the opportunity to be heard before the
16 Missouri court prior to the entry of the September 15, 2009, contempt order and that Nevada law
17 provides that in matters involving community property one spouse defending an action is sufficient to
18 represent the interests of both spouses in that property.

19 40. This averment states conclusions of law to which no response is required but which the
20 Commission, nonetheless, denies.

21 41. The Commission admits that, subsequent to the Missouri court's September 15, 2009,
22 second contempt order against Richard Neiswonger, Shannon Neiswonger executed a deed transferring
23 title to the Residence to the Receiver. The Commission specifically denies that it used "massive and
24 25 26 27 28

1 improper coercion” or “undue influence” with regard to Mrs. Neiswonger. The Commission is without
2 sufficient knowledge or information to form a belief as to the mental state of Mrs. Neiswonger at the
3 time she transferred title and, therefore, the averments that she felt she was “coerced” or “under
4 extreme duress”, acted “totally against her will”, or executed the deed “under protest” when she
5 transferred the title to the Residence to the Receiver are denied.
6

7 42. The Commission states that its actions with regard to obtaining title to the Residence
8 were all authorized by the contempt orders issued by the Missouri court. The Commission denies that
9 it improperly used “coercion” under “color of law” or “threats of dire consequences” to deprive
10 Shannon Neiswonger of any interest she may have had in the Residence. The Commission is without
11 sufficient knowledge or information to form a belief as to the mental state of Mrs. Neiswonger at the
12 time she transferred title by signing the deed for the Residence and, therefore, the averment that she
13 would never have signed the deed voluntarily is denied.
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16 43. This averment states a conclusion of law to which no response is required but which the
17 Commission, nonetheless, denies.

18 44. This averment states a conclusion of law to which no response is required but which the
19 Commission, nonetheless, denies.
20

21 45. Denied as stated. The Commission admits that it, the Receiver, and Shannon
22 Neiswonger have had settlement discussions but have not reached a settlement.

23 46. The Commission denies that any actions it has taken or is taking with regard to Shannon
24 Neiswonger involve “malice, oppression [or] deprivation of property under of color of law” without
25 recognition of her “due process and constitutional rights, or Nevada statutory exemption rights.” The
26 Commission also denies that it has threatened to incarcerate Mrs. Neiswonger if she does not vacate the
27 Residence, “summarily” or otherwise. To the contrary, all actions taken by the Commission that may
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1 affect Mrs. Neiswonger are pursuant to the authority of orders issued by the Missouri court in the Law
2 Enforcement Action. Nor, after months of proceedings before the Missouri court, is Mrs. Neiswonger
3 being forced to take any action “summarily.”
4

5 47. The Commission incorporates by reference its responses to Paragraphs 1-46 of the
6 complaint.

7 48. This averment states a conclusion of law to which no response is required. The
8 Commission further states that to the extent Nevada law applies to the claims averred by Shannon
9 Neiswonger, the applicable legal issues have been resolved by the Missouri court and the Eighth
10 Circuit.
11

12 49. This averment states conclusions of law to which no response is required but which the
13 Commission, nonetheless, denies. The Commission specifically denies that it has “inveigle[d] or
14 convert[ed]” any of Shannon Neiswonger’s rights. To the contrary, all actions taken by the
15 Commission that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by the
16 Missouri court in the Law Enforcement Action.
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18 50. This averment states conclusions of law to which no response is required but which the
19 Commission, nonetheless, denies. The Commission further states that all actions it has taken that may
20 affect Mrs. Neiswonger are pursuant to the authority of orders issued by the Missouri court in the Law
21 Enforcement Action.
22

23 51. This averment states conclusions of law to which no response is required but which the
24 Commission, nonetheless, denies. The Commission further specifically denies that it has acted with
25 “egregious misconduct, totally without due process of law, in derogation of Shannon [Neiswonger]’s
26 property and homestead rights.” To the contrary, the Commission states that all actions it has taken
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1 that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by the Missouri court in
2 the Law Enforcement Action.

3 52. This averment states conclusions of law to which no response is required. The
4 Commission further states that “the respective rights, responsibilities and obligations” among the
5 Commission, the Receiver and Shannon Neiswonger” with regard to the Residence already have been
6 determined by the Missouri court and the Eighth Circuit.
7

8 53. This averment states conclusions of law to which no response is required but which the
9 Commission, nonetheless, denies. The Commission further specifically denies that it has engaged in
10 any “misconduct.” To the contrary, the Commission states that all actions it has taken that may affect
11 Mrs. Neiswonger are pursuant to the authority of orders issued by the Missouri court in the Law
12 Enforcement Action.
13

14 54. The Commission incorporates by reference its responses to Paragraphs 1-53 of the
15 complaint.
16

17 55. Denied as stated. The Commission admits that it commenced the Law Enforcement
18 Action in 1996 and settled this proceeding with Richard Neiswonger in 1997 through a stipulated
19 permanent injunction. The Commission monitored Richard Neiswonger’s compliance with the terms
20 of the injunction and, after having reason to believe he was in violation of the injunction’s terms, in
21 2006 commenced contempt proceedings against Mr. Neiswonger’s ongoing activities.
22

23 56. While there was a defendant named William Reed involved in the Law Enforcement
24 Action before the Missouri court, the Commission, after reasonable inquiry, is unaware of any claims
25 by William Reed against Richard Neiswonger and, therefore, the averments in this paragraph are
26 denied. If the averments in this paragraph were intended to refer to Robb Evans, the Receiver
27 appointed by the Missouri court in the Law Enforcement Action and a defendant in this action, the
28

1 Commission states that the Receiver has done nothing more than properly pursue his legal rights as
2 created and recognized by orders entered by the Missouri court.

3
4 57. Denied as stated. The Commission admits that, in the Law Enforcement Action, the
5 Missouri court and the Eighth Circuit have considered the limited and incomplete information
6 submitted by Richard Neiswonger. This information is insufficient to permit the Commission to form a
7 belief as to what interest, if any, that Shannon Neiswonger has in the Residence or in any property to
8 which she asserts an interest and, therefore, the Commission denies that Mrs. Neiswonger has had any,
9 much less “substantial”, property interests affected by the contempt proceedings.
10

11 58. Denied as stated. The Commission admits that all actions it has taken that may affect
12 Mrs. Neiswonger are pursuant to the authority of orders issued by the Missouri court in the Law
13 Enforcement Action. The Commission further states that it believes it is inappropriate to respond to
14 Mrs. Neiswonger’s characterization of the counsel representing the Commission before the Missouri
15 court in the Law Enforcement Action beyond stating the Commission does not dispute that these
16 attorneys are competent.
17

18 59. This averment states a conclusion of law to which no response is required but which the
19 Commission, nonetheless, denies. The Commission further states that, in the Law Enforcement
20 Action, the Missouri court and the Eighth Circuit have determined the interests, if any, that Shannon
21 Neiswonger has in the Residence or any other property in which Richard Neiswonger held or holds an
22 interest.
23

24 60. This averment states a conclusion of law to which no response is required but which the
25 Commission, nonetheless, denies. The Commission specifically denies that it acted “in total
26 derogation” of Shannon Neiswonger’s rights. To the contrary, the Commission states that all actions it
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1 has taken that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by the
2 Missouri court in the Law Enforcement Action.

3 61. This averment states conclusions of law to which no response is required but which the
4 Commission, nonetheless, denies. The Commission specifically denies that it used “duress, coercion
5 [or] undue influence” with regard to the Residence, “wrongfully converted” any interest of Shannon
6 Neiswonger in any of Richard Neiswonger’s “pension and profit sharing accounts”, or acted “without
7 notice, due process of law” or providing Mrs. Neiswonger an opportunity to assert or protect her rights.
8 To the contrary, the Commission states Mrs. Neiswonger asserted her rights in her deposition. The
9 Commission further states it believes that Richard Neiswonger asserted he was representing his marital
10 interests in the contempt proceedings before the Missouri court. The Commission also states that all
11 actions it has taken that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by
12 the Missouri court in the Law Enforcement Action.
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16 62. This averment states a conclusion of law to which no response is required but which the
17 Commission, nonetheless, denies.

18 63. This averment states conclusions of law to which no response is required but which the
19 Commission, nonetheless, denies.
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21 64. This averment states conclusions of law to which no response is required but which the
22 Commission, nonetheless, denies.

23 65. This averment states a conclusion of law to which no response is required but which the
24 Commission, nonetheless, denies. The Commission specifically denies that it has interfered with
25 Shannon Neiswonger’s “quiet and peaceful enjoyment” of any property. To the contrary, the
26 Commission states that all actions it has taken that may affect Mrs. Neiswonger are pursuant to the
27 authority of orders issued by the Missouri court in the Law Enforcement Action.
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1 66. This averment states a conclusion of law to which no response is required but which the
2 Commission, nonetheless, denies. The Commission specifically denies that it has willfully interfered
3 with Shannon Neiswonger's "quiet and peaceful enjoyment" of any property. To the contrary, the
4 Commission states that all actions it has taken that may affect Mrs. Neiswonger are pursuant to the
5 authority of orders issued by the Missouri court in the Law Enforcement Action.
6

7 67. This averment states a conclusion of law to which no response is required but which the
8 Commission, nonetheless, denies. The Commission further states that it is without sufficient
9 knowledge or information to form a belief as to any "tax liabilities or penalties" paid or "losses"
10 incurred regarding the Residence and, therefore, these averments are denied.
11

12 68. This averment states a conclusion of law to which no response is required but which the
13 Commission, nonetheless, denies. The Commission specifically denies that it has "exercised wrongful
14 dominion" over any property of Shannon Neiswonger. To the contrary, the Commission states that all
15 actions it has taken that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by
16 the Missouri court in the Law Enforcement Action.
17

18 69. This averment states a conclusion of law to which no response is required but which the
19 Commission, nonetheless, denies.
20

21 70. This averment states a conclusion of law to which no response is required but which the
22 Commission, nonetheless, denies.
23

24 71. This averment states a conclusion of law to which no response is required but which the
25 Commission, nonetheless, denies.
26

27 72. The Commission incorporates by reference its responses to Paragraphs 1-71 of the
28 complaint.
29

1 73. This averment states a conclusion of law to which no response is required but which the
2 Commission, nonetheless, denies. The Commission specifically denies that it engaged in any
3 “improper, illegal [or] inequitable conduct.” To the contrary, the Commission states that all actions it
4 has taken that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by the
5 Missouri court in the Law Enforcement Action.

7 74. This averment states a conclusion of law to which no response is required but which the
8 Commission, nonetheless, denies.

9 75. This averment states a conclusion of law to which no response is required but which the
10 Commission, nonetheless, denies.

12 76. The Commission incorporates by reference its responses to Paragraphs 1-75 of the
13 complaint.

14 77. This averment states a conclusion of law to which no response is required but which the
15 Commission, nonetheless, denies.

16 78. This averment states a conclusion of law to which no response is required but which the
17 Commission, nonetheless, denies.

18 79. This averment states a conclusion of law to which no response is required but which the
19 Commission, nonetheless, denies.

20 80. The Commission incorporates by reference its responses to Paragraphs 1-79 of the
21 complaint.

22 81. This averment states a conclusion of law to which no response is required but which the
23 Commission, nonetheless, denies. The Commission specifically denies that it is “threatening to
24 undertake [any] unlawful and improper conduct.” To the contrary, the Commission states that all
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1 actions it has taken that may affect Mrs. Neiswonger are pursuant to the authority of orders issued by
2 the Missouri court in the Law Enforcement Action.

3 82. This averment states a conclusion of law to which no response is required but which the
4 Commission, nonetheless, denies.
5

6 83. This averment states a conclusion of law to which no response is required but which the
7 Commission, nonetheless, denies. The Commission further states that, in the Law Enforcement Action,
8 the Missouri court and the Eighth Circuit have determined the interests, if any, that Shannon
9 Neiswonger has in the Residence.
10

11 84. This averment states a conclusion of law to which no response is required but which the
12 Commission, nonetheless, denies. The Commission further states that, in the Law Enforcement Action,
13 the Missouri court and the Eighth Circuit have determined the interests, if any, that Shannon
14 Neiswonger has in the Residence.
15

16 85. This averment states a conclusion of law to which no response is required but which the
17 Commission, nonetheless, denies. The Commission further states that, in the Law Enforcement Action,
18 the Missouri court and the Eighth Circuit have determined the interests, if any, that Shannon
19 Neiswonger has in the Residence.
20

21 86. This averment states a conclusion of law to which no response is required but which the
22 Commission, nonetheless, denies.

23 **FIRST AFFIRMATIVE DEFENSE**

24 87. The Amended Complaint fails to state a claim for which relief can be granted.
25

26 **SECOND AFFIRMATIVE DEFENSE**

27 88. The Amended Complaint's claims are barred by the doctrine of res judicata.
28

THIRD AFFIRMATIVE DEFENSE

89. The Amended Complaint's claims are barred by the doctrine of collateral estoppel.

FOURTH AFFIRMATIVE DEFENSE

90. The Amended Complaint's claims are barred by the doctrine of the law of the case.

FIFTH AFFIRMATIVE DEFENSE

91. The Amended Complaint's claims are barred by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

92. The Amended Complaint's claims are barred by the doctrine of waiver.

SEVENTH AFFIRMATIVE DEFENSE

93. The Amended Complaint's claims are barred by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

94. The Amended Complaint's claims are barred by the doctrine of fraudulent transfer of property.

WHEREFORE, the Commission respectfully requests that this Court:

- A. Enter judgment in favor of the Commission and against the Plaintiff, Shannon Neiswonger;
- B. Award costs and attorney's fees to the Commission;
- C. Provide such other relief as it deems just and proper.

DATED: January 8, 2010

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

PATRICK A. ROSE
Assistant United States Attorney

/s/ John Andrew Singer
JOHN ANDREW SINGER
Federal Trade Commission

PROOF OF SERVICE

I, John Andrew Singer, certify that the following parties were served on the date and via the method indicated below with a copy of **DEFENDANT FEDERAL TRADE COMMISSION'S ANSWER TO AMENDED COMPLAINT:**

Via the Electronic Case Filing System

John W. Muije, Esq.
Muije & Varricchio
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Las Vegas, NV 89104
Attorney for Plaintiff

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